

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NVIDIA CORPORATION,

Plaintiff,

-against-

SCANNER TECHNOLOGIES CORPORATION,

Defendant.

08-cv-8102-PAC
09-cv-7014-PAC
10-cv-0603-PAC
(consolidated)

THIRD JOINT STATUS REPORT

Plaintiff NVIDIA Corporation (“NVIDIA”) and Defendant Scanner Technologies Corporation (“Scanner”), by and through their undersigned counsel, submit this Third Joint Status Report pursuant to the instructions of the Court as set forth in its July 22, 2010 Order in Case No. 08-cv-8102-PAC (Dkt. No. 51).

On July 22, 2010, this Court ordered the consolidation of Case Nos. 08-cv-8102, 09-cv-7014, and 10-cv-0603 (the “NVIDIA consolidated actions”) and instructed counsel for the Parties to file a joint status report every six months thereafter detailing the status of these NVIDIA Consolidated Actions, the status of the ICOS Actions, and the prospect of any resolution of the matters.

The Parties filed their first and second Joint Status Reports on January 24, 2011 and July 25, 2011, respectively.

In this third Joint Status Report, the Parties now report that the NVIDIA consolidated actions and Case Nos. 08-cv-8142 and 09-cv-6920 remain stayed and that with regard to Case No. 10-cv-0604, oral argument on the ICOS plaintiffs’ summary judgment motion based on implied license by legal estoppel and prosecution laches will be heard by this Court at 4:30 p.m. on February 9, 2012. The Parties do not anticipate engaging in further settlement discussions

prior to oral argument and receipt of the Court's ruling on the ICOS plaintiffs' summary judgment motion.

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Dated: January 25, 2012

Respectfully submitted,

/s/ Paul R Gupta

Paul R. Gupta
pgupta@orrick.com
Clifford R. Michel
cmichel@orrick.com
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019
Tel: (212) 506-5000

I. Neel Chatterjee
nchatterjee@orrick.com
Monte M.F. Cooper
mcooper@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 March Road
Menlo Park, CA 94025
Tel: (650) 614-7400

Attorneys for Plaintiff NVIDIA Corporation

/s/ Robert A. Huntsman

Robert A. Huntsman
law2011@huntsmanlg.com
Huntsman Law Group, PLLC
10400 Overland Road, #174
Boise, ID 83709
Tel: (208) 860-4379
Fax: (208) 362-3723

Jacqueline I. Meyer
jmeyer@hodgsonruss.com
Hodgson Russ LLP
1540 Broadway
New York, NY 10036
Tel: (212) 751-4300
Fax: (212) 751-0928

Attorneys for Defendant Scanner Technologies
Corporation